

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:07CR0767 CAS (AGF)
)
MICHAEL DORSEY,)
)
Defendant.)

ORDER DENYING PRETRIAL DETENTION AND SETTING BOND

On April 3, 2008, this matter came before the Court on the government's motion for pretrial detention. Defendant Michael Dorsey was present and represented by his attorney, Cleveland Tyson. The government was represented by Assistant United States Attorney Tiffany Becker.

Neither party raised any objections to the factual information in the Pretrial Services Report dated April 2, 2008, which the Court adopts and incorporates herein. The government presented the testimony of Special Agent Brett Johnson, a Special Agent with the Drug Enforcement Administration. Agent Johnson presented evidence that Defendant actively avoided being arrested on the current charges for some months. The government also has strong evidence in support of the charges against Defendant, and correctly notes that in light of the charges a rebuttable presumption arises, pursuant to 18 U.S.C. §3142(e), that "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community.

After hearing the testimony, and the arguments and proffers of counsel, however,

the Court finds that Defendant has rebutted that presumption here, and substantially adopts the recommendation of the Pretrial Services Office. Although it appears Defendant did attempt to avoid arrest on these charges, it also appears that Defendant had returned to St. Louis with the intent of surrendering at the time he was arrested. The Court further notes that Defendant has no prior criminal history, other than a single juvenile matter from when he was 11 years old. Although Defendant does not have any ties to this district, he has represented that he and his girlfriend, with whom Defendant has a child, can reside with his girlfriend's mother in St. Louis.

Upon review of the information before the Court, the Court substantially agrees with the Pretrial Services Office that there are conditions or a combination of conditions that will adequately assure the appearance of Defendant and the safety of the community.

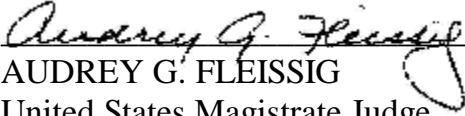
Accordingly,

IT IS HEREBY ORDERED that the government's motion for pretrial detention [Doc. #114] is **Denied**.

IT IS FURTHER ORDERED that Defendant Michael Dorsey shall be released upon posting a \$50,000 bond, which shall be secured, by property with equity of \$50,000, or by the posting of 10% in cash (no professional bond). In addition to the standard conditions of release, the following additional conditions shall also apply:

- (1) Home detention with electronic monitoring, at a residence in this district acceptable to the Pretrial Services Office;
- (2) Drug testing and treatment as directed by the Pretrial Services Office;

(3) Defendant shall obtain or actively seek verifiable employment.


AUDREY G. FLEISSIG
United States Magistrate Judge

Dated this 4th day of April, 2008.